

HOUSE BILL 605

By Turner M

AN ACT to amend Tennessee Code Annotated, Title 11
and Title 69, relative to waterway beautification.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-133, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) As used in this subsection:

(A) "Intermittent streams" contain water within a well-defined channel and flow in response to seasonal variations in precipitation 40 to 90 percent (40 – 90%) of the time following a major rainstorm or as long as ground water is abundant.

(B) "Perennial streams" contain surface water within a well-defined channel. These streams flow practically year round under normal weather conditions and usually provide permanent habitat for aquatic plants and animal life.

(C) "Streamside management zones" are designated areas consisting of the stream and an adjacent area of varying width where management practices that might affect water quality are modified.

(2) Owners and operators shall leave a streamside management zone during all logging operations adjacent to perennial or intermittent streams. Any perennial or intermittent stream should be protected with a streamside management zone.

(3)

(A) The width of the streamside management zone shall be a minimum of twenty-five feet (25') from the disturbed area to the stream bank for zero percent slope and twenty (20) additional feet for additional ten percent (10%) of slope. This applies to both sides of the stream and the total minimum width is fifty feet (50').

(B) There shall be no removal of any trees within the streamside management zone if such removal would result in soil potentially getting into the stream. If trees can be harvested without risk of soil loss, at least fifty percent (50%) of the vegetation canopy along a perennial stream shall be retained.

(C) There shall be an avoidance of operating any harvesting equipment or vehicles within the stream management zone. Whenever possible, timber harvested within the stream management zone should be pulled or winched out.

(4) Stream channels shall not be used as roadways for any type of equipment or vehicles.

(5) Streamside management zone boundaries shall be clearly marked prior to harvest by the operator.

SECTION 2. Any silvicultural activity which may violate this act and comes to the attention of the division of forestry shall be handled in the manner as other noncompliance with silvicultural best management practices are now handled. Nothing in the act shall be construed to require additional expenditures or personnel by the division.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.